

Journal - Office of Legislative Counsel
Thursday - 21 October 1971

9. (Internal Use Only - JMM) In the absence of Carl Marcy, Staff Director, Senate Foreign Relations Committee, I delivered to Art Kuhl, of the Committee staff, a letter to Chairman Fulbright from the Director, asking that Kuhl give it to Marcy and for Marcy to call me when he was ready to discuss the matter raised therein.

In response to my question, Kuhl said that recent legislation before the Committee which concerns the Agency appears unlikely to move in the near future.

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Thursday - 28 October 1971

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3.

[redacted] 1) Reminded Art Kuhl, Senate Foreign Relations Committee staff, that I was awaiting a call from Carl Marcy as to when he would like to discuss Senator Fulbright's letter to the Director requesting NIE's on Southeast Asia. Kuhl said he would pass this reminder on to Marcy at the first opportunity.

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In closing I reminded Marcy of his request some time ago for copies of NIEs regarding Southeast Asia. He said he was delinquent in getting back in touch with me, and wondered if I had any suggestions. I said that since providing the Estimates was out of the question, it seemed to me the only solution was to start out by referring to the Director's testimony before the Committee, which I thought would cover most of the points at issue. I suggested the Committee first review the transcripts of this testimony, after which we would be glad to consider any additional questions they might have. Marcy said this was an interesting idea and he would think it over.

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2. [redacted] Carl Marcy, Staff Director, Senate
Foreign Relations Committee, called in connection with Senator Fulbright's earlier request for access to all National Estimates dealing with Southeast Asia. He said Robert Marshall Blum had been assigned the task of analyzing the Pentagon Papers for the Committee, and had a list of specific questions which he wished to discuss with us and would be calling us shortly. Marcy said this was "no fishing expedition"--that Blum's questions were addressed to specific points emerging from the papers. Marcy said Blum had Top Secret clearance from the Pentagon.

After checking and finding no evidence of Blum's clearance, I called Marcy back and asked for more details. Marcy said that Chairman Fulbright had granted the clearance on the basis of an investigative report by the FBI, and they also had a letter from Rady Johnson, DOD, granting clearance on a "need-to-know" basis. Marcy said Blum was about 25 years old, apparently had no previous Government experience and had recently worked for Walt Rostow in Texas.

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12. [redacted] Talked to Mr. Arthur Kuhl, Senate Foreign Relations Committee staff, who told me that Mr. Robert A. Blum has received a TS clearance from DOD by letter from Rady Johnson, Assistant to the Secretary of Defense (Legislative Affairs), dated 8 November 1971. Miss Susan Grace Scales McMahon, Mr. Kuhl's assistant, was granted a TS clearance by DOD by letter from Rady Johnson dated 29 September 1971. Mr. Kuhl noted, in passing, that Mr. Blum is doing research for the Committee relating to the "Pentagon Papers." Although the research is scheduled to cover many years of Committee testimony, Mr. Kuhl is not familiar with the status of this project.

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8. [REDACTED] Robert Blum, new member of the Senate Foreign Relations Committee staff involved in analyzing the "Pentagon Papers," called to say he would like to meet to discuss arrangements for working with the Agency in his project. He said he and two colleagues, Robert Biles and Ann Hollick, who have DOD security clearances, would also be involved. I explained to him that Mr. Carver would be his main point of contact and arranged for them to meet on Tuesday, 7 December, at 2:00 p.m. for discussion with Mr. Carver and me.

Excerpt from GACarver, Jr. Log of 7 December 1971

1400-1530 -- Session in my office with three staff members of Senate Foreign Relations Committee staff: Mr. Robert Biles, Mr. Robert Bloom and Mrs. Ann Hollick. Biles, apparently the senior, handed me a list of NIE's and SNIE's prepared on 23 November by the staff. In effect he was refloating the same request that Fulbright floated in his 21 September memorandum to the Director which we turned off. I explained politely but firmly that National Intelligence Estimates and Special National Intelligence Estimates were Executive Branch documents that simply could not be passed outside the Executive Branch. They were not Agency documents per se, but constituted products of the DCI in his corporate capacity which went to the President. Hence, any declassification or wider circulation of them would have to be approved by the White House and not by any element of the Agency staff. They had never been passed outside the Executive Branch and I doubted if anyone would want to set precedence on this matter that could be cited in the future. We then had a long discussion about ways in which we might be helpful to the three staffers who had been commissioned by the Committee and its senior staff to use the Pentagon Papers as their starting point and prepare a detailed study on the war as called for in Senate Resolution 140 passed on July 4, 1971. The meeting seemed to be quite pleasant even though the three staffers did not get what they wanted. All of them are probably on the dovish side of the fence but they were on their best behavior and were certainly not rude or contentious in this session. At my suggestion, they will provide a list of specific items and questions keyed to various time frames on which they will ask to know what intelligence was available to the U.S. Government on the topic at the time in question. I told them that we would do our best to be as helpful as we could but made no iron-clad promises with respect to performance. In a post-session caucus with Maury he indicated that the meeting had gone as well as could have been expected.

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4. [redacted] George Carver, SAVA, and I met with Robert Blum, Robert Biles and Ann Hollick, of the Senate Foreign Relations Committee staff, who visited Headquarters to discuss their project analyzing the "Pentagon Papers." Their primary objective was obviously to gain access to NIEs and SNIEs but we made clear that no one in the Agency could authorize this, since the Estimates were prepared for the President and the NSC and release outside the Executive Branch could be authorized only on that level. As an alternative, it was agreed that they would review transcripts of the Director's testimony on matters relating to Indochina, and that we would make available to them such transcripts as were held in Agency custody. We further agreed that, after reviewing these transcripts, they would develop a series of specific questions relating to the intelligence input involved in various developments and decisions during the course of the Indochina war. Mr. Carver said he would be glad to receive any and all such questions, but would, of course, reserve to the Agency the final decision as to which could be answered and if so how.

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3. [redacted] Met with Carl Marcy, Chief of Staff, Senate Foreign Relations Committee, in connection with Chairman Fulbright's 4 January letter to the Director renewing requests for National Estimates regarding Southeast Asia. I told Marcy we saw no way of complying with these requests but wished to avoid a confrontation with the Chairman and wondered whether the Chairman himself had initiated this request. Marcy said the Chairman had been in Jamaica with his children and grandchildren since Christmas so he "didn't know" whether the Chairman had signed the letter in question. In any event, Marcy agreed a confrontation should be avoided if possible and he apologized for not keeping closer track of the matter himself (implying that had he done so we could have "talked it over" instead of dealing through formal correspondence) I suggested that before proceeding further we have another round with the three young investigators-- Blum, Biles and Hollick--with whom Mr. Carver and I had conferred about a month ago and who had never followed-up our suggestion that they study transcripts of earlier hearings and then formulate specific substantive questions which we would try to answer. Marcy agreed with this suggestion and said he would so instruct the investigators.